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THE CITY AND COUNTY OF SAN FRANCISCO,  
CALIFORNIA, et al.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PP&M TOWING & RECOVERY, INC., a  
California Corporation,

Plaintiff,

vs.

THE CITY AND COUNTY OF SAN  
FRANCISCO, CALIFORNIA, a  
subdivision of the State of California; and  
GEORGE GASCON, in his capacity as  
the Chief of Police of the City of San  
Francisco, California,; and DOES 1  
THROUGH 20,

Defendant.

Case No. CV 10 1466 TEH

**~~PROPOSED~~ ORDER DISMISSING  
CASE FOR FAILURE TO  
PROSECUTE**

Date: November 22, 2010  
Time: 10:00 a.m.  
Place: Courtroom G, 15th Floor

On October 13, 2010, counsel for plaintiff PP&M Towing & Recovery, Inc. ("PP&M") filed a motion to withdraw on the ground that PP&M had breached its fee agreement with counsel. The motion was noticed for hearing on November 22, 2010, at 10:00 a.m. In connection with his motion, counsel testified by declaration that he had attempted repeatedly to contact his client by telephone and electronic mail regarding the alleged breach of the fee agreement, and regarding his intent to move to withdraw as counsel. Counsel testified that PP&M did not respond to these messages.


Defendant City and County of San Francisco ("City") filed a statement of non-opposition to the motion to withdraw. PP&M itself did not file a response to the motion.

On November 4, 2010, this Court issued an order directing PP&M to appear at the November 22, 2010 hearing, either through substitute counsel or by a corporate representative. The Court's order further directed that, if PP&M had not obtained substitute counsel by the date of the hearing but wished to continue pursuing the case, its corporate representative must come prepared to inform the Court of the steps the company had taken and would take to locate substitute counsel, or to present reasons why the motion by current counsel to withdraw should not be granted. Furthermore, the Court's order directed that if PP&M did not appear at the November 22, 2010 hearing, either through substitute counsel or by a corporate representative, then the Court would dismiss the case for failure to prosecute. Finally, the Court's order directed that current counsel for PP&M send a copy of the order to PP&M both by electronic mail and United States mail. Current counsel for PP&M filed a proof of service on November 4, 2010, certifying that he had served the Court's order on PP&M in accordance with the instructions of the order.

The matter came on for hearing on November 22, 2010 at 10:00 a.m. PP&M did not appear at the hearing, either through substitute counsel or through a corporate representative. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), and pursuant to this Court's order of November 4, 2010, the case is hereby DISMISSED for failure to prosecute.

It is so ordered.

Date: 11/23/, 2010

The Hon.   
Judge of the Northern District of California  
Judge Thelton E. Henderson

